IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

Crl.MC.No. 3186 of 2007()

CC.75/2006 of JUDL. MAGISTRATE OF FIRST CLASS-II(MOBILE), KOTTAYAM

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PETITIONER: ACCUSED NO.2

RAICHEL KORA @ PENNAMMA, AGED 71 YEARS,
W/O. LATE KORA, KOCHUPALLIKKUNNEL HOUSE,
KEECHAL BHAGOM, PUTHUPPALLY P.O., KOTTAYAM.

BY ADV. SRI.M.P.MADHAVANKUTTY

RESPONDENTS: COMPLAINANT & STATE

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1. ANNAMMA CHACKO @ RAJAMMA, W/O. CHACKO,
KOCHUPALLIKKUNNEL HOUSE, KEECHAL BHAGOM,
PUTHUPPALLY P.O., KOTTAYAM.

2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.DILIP MOHAN
PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 17/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

Crl.M.C.No.3186 of 2007

Dated this the 17th day of October 2007

O R D E R

The petitioner, along with her husband, faces indictment for the offences punishable under Section 498A read with 34 I.P.C. They are the father-in-law and mother-in-law of the complainant. No allegations were raised against the husband of the complainant, that is the son of the accused persons. Cognizance was taken. The first accused, that is the husband of the petitioner, is no more now. The case against him has abated. The parties have now come to a settlement. The complainant has compounded the offence alleged against the petitioner/second respondent. Both of them have come before this court through their counsel. A joint applicantion for composition/settlement has been filed. The respondent is represented by a counsel. It is submitted that the counsel vouches for the signature of the complainant in the joint statement filed. He vouches for the settlement of the dispute and composition.

2. I am satisfied from the averments made in the Criminal Miscellaneous Case and joint settlement filed as Annexure II that the parties have settled their disputes. The offence under Section 498A I.P.C is not compoundable. But notwithstanding that, I am satisfied that the dictum in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386] can be invoked and premature termination of the proceedings can be brought about.

3. This Criminal Miscellaneous Case is accordingly allowed. C.C.No.75/2006 pending before the Judicial First Class Magistrate Court-II (Mobile), Kottayam is hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007